

Filed for intro on 03/02/2000
HOUSE BILL 3289 By
Davis (Cocke)

SENATE BILL 3280
By Haun

AN ACT to amend Chapter 322 of the Private Acts of 1949 as amended by Chapter 81 of the Private Acts of 1963; and any other acts amendatory thereto, relative to the charter of the Town of Parrottsville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 322 of the Private Acts of 1949, as amended by Chapter 81 of the Private Acts of 1963, and all acts amendatory thereto, being the charter of the Town of Parrottsville, is amended by deleting such charter in its entirety, except for the section in which the stated boundaries of the Town are established, and by substituting instead the following language to be the Charter of the Town of Parrottsville:

ARTICLE I.

DEFINITIONS; TOWN LIMITS, AND CORPORATE POWERS.

Section 1.01. General Powers. The Town of Parrottsville shall have perpetual succession, may sue and be sued, implead and be impleaded in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal.

Section 1.02. Definitions. As used in this charter, the following words and phrases shall have the following meanings:

(1) "Town" means the Town of Parrottsville, Tennessee.

(2) "Board of Mayor and Commissioners" or "Board" means the legislative body of the Town, which shall be composed of the Mayor and Commissioners, elected as provided in this charter, and any incumbent commissioners, with the expiration of their current terms of office.

(3) "Commissioners" or "Members of the Board" means persons elected to the office of Commissioner as provided in this charter.

(4) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization.

(5) "At Large" means the entire Town, as distinguished from representation by wards or other districts.

(6) "Code" means any publication or compilation of rules, regulations, standards, limitations or requirements relating to any aspect of Town affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity.

(7) "Elector" means a qualified voter residing within the Town, and who has registered with the Cocke County Election Commission, or its successor agency.

(8) The masculine gender shall include the feminine gender, and the singular number shall include the plural number and *vice versa*, except where this charter manifests a clear intention to denote one particular gender and/or number.

(9) As used in this charter, "shall" is mandatory, and "may" is permissive.

Section 1.03. Boundaries. The boundaries of the Town shall be as described in Chapter 322 of the Private Acts of 1949, as amended, or enlarged through annexation or other acquisitions.

Section 1.04. Powers. The Town shall have the power to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or Town purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law. The Town may levy and collect privilege taxes on businesses, privileges, occupations, trades and professions, and to levy and collect any other kind of tax not prohibited to Towns by the Constitution or general law of the state of Tennessee. The Town may impose collection fees for enforcement of the timely payment of such taxes by ordinance;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the Town, upon the credit of the Town or solely upon the credit of specific property owned by the Town or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the Town, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the Town for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or outside the corporate limits of the Town. Such means also includes the acquisition of property by gift, devise, legacy or purchase through general appropriations enacted by ordinance;

(9) Condemn property, or any easement, interest, or estate or use therein, either within or outside the corporate limits of the Town, for present or future public use, including, but not limited to, the following uses, to-wit: to reserve industrial sites; to provide open spaces; and to encourage proper development of the community or for the general welfare of the community. All condemnations shall be effected in accordance with state law, or any other manner provided by law;

(10) Take and hold property within or outside the corporate limits of the Town or State of Tennessee upon trust; and administer trusts for the public benefit;

(11) Grant to any person, firm, association or corporation (including the Town) franchises for public utilities and public services to be furnished for the use and benefit of the inhabitants of the Town and its government therein. Such franchises shall not exceed a period of twenty (20) years. The power to grant franchises embraces the power to grant exclusive franchises, and to receive recurring revenues from the granting of such franchises. Whenever the Town grants an exclusive franchise, it shall be exclusive not only as against any other person, firm, association or corporation, but also against the Town itself. The Board of Mayor and Commissioners may prescribe the conditions of service, rates, fares, charges and regulations that may be made by the person, firm, association or corporation with whom the Town makes franchise agreements. Such terms may be subject to regulation by the Tennessee Regulatory Authority or its successor agency, or any other Tennessee or United States Government

agency exercising jurisdiction in these matters; provided, however, this paragraph shall not affect existing contracts or franchises;

(12) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished to the Town and the inhabitants therein. The power to make contracts embraces the power to make exclusive contracts. When the Town enters into an exclusive contract, such contract shall be exclusive against any other person, firm, association or corporation. Such contracts may be entered into for periods of twenty (20) years or less, but not longer. The Board of Mayor and Commissioners reserves the right to prescribe the conditions of service, rates, fares, charges and regulations that may be made by the person, firm, association or corporation with whom the Town makes such contracts. Such contracts may by their terms apply to the territory within the corporate limits of the Town at the date of the contract, and as the corporate limits may be enlarged, and to the then-existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that the Town may later open;

(13) Acquire, construct, own, operate and maintain, or sell, lease, mortgage or otherwise dispose of public utilities or any estate or interests therein, or any other utility or service to the Town, its inhabitants, or any part thereof. The Town may further issue debt instruments for these purposes under provisions of state law;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise entered into under subsection (11) or (12);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, primary and acute care clinics, waterworks, gasworks, forests, trees and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings, communication towers, charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal and medical institutions, agencies and facilities, and any other public improvements, inside or outside the Town, and to regulate the use thereof. For such purposes property may be either acquired or taken pursuant to state law;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits of the Town, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways, avenues or alleys under, and as provided by state law;

(17) Require property owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, including removal of earth, obnoxious weeds and rubbish, snow, debris or other materials, and, as necessary, assess against the abutting property owners, the cost for removing said items if the property owners do not remove the same;

(18) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the Town, and exercise general police powers;

(19) Regulate the location, bulk, occupancy, area, lot, height, manner of construction and materials for all buildings and structures situated or planned to be situated within the corporate limits of the Town. The Town may provide for the inspection of such buildings, lands and places as to their condition for health, cleanliness and safety and, when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(20) Prescribe limits within which occupations, acts and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained and abate such nuisances, in accordance with general law and Article II, Section 2.09 of this charter, including the alteration and where necessary, the removal and destruction of old and dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly;

(21) Collect and dispose of garbage, rubbish and refuse, by contract with private entities, county and/or regional agencies as may be necessary. Charges may be imposed by the Board of Mayor and Commissioners to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts. The Board of Mayor and Commissioners may prescribe penalties and interest for delinquency;

(22) Unless inspected, tested, measured and weighed by the state or federal government, inspect, test, measure and weigh any article for consumption or use within the corporate limits of the Town, and charge reasonable fees therefor, and provide standards of weights, tests and measures in accordance with the requirements established by general law.

(23) Establish, amend and maintain a body of regulations and ordinances for the peaceful, orderly and efficient administration of government operations and public and private activities within the corporate limits of the Town, including the power to:

(A) Enforce any ordinance, rule or regulation by imposing fines, forfeitures and civil penalties, and by other actions or proceedings in any court of competent jurisdiction, including the establishment of a Parrottsville Town Court.

(B) Establish by ordinance court costs necessary to maintain police, court and regulatory operations.

(24) Regulate, tax, license or suppress the keeping or going at large of animals within the Town, impound them, and in default of redemption, sell them or kill them, and enter into interlocal agreements with private, regional or county entities to accomplish such purposes;

(25) Call elections as herein provided, and schedule same in coordination with the Cocke County Election Commission; and

(26) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

ARTICLE II.

BOARD OF MAYOR AND COMMISSIONERS.

Section 2.01. Election of Mayor and Commissioners.

(a) On the first Tuesday in November, 2002, and every four (4) years thereafter, a nonpartisan election shall be conducted by the Cocke County Election Commission under the general election laws of the state of Tennessee to elect three (3) Commissioners from the Town at-large. Any elector who has been a resident of the Town for two (2) years may qualify as a candidate by submitting a nominating petition to the Cocke County Election Commission not less than sixty (60) days prior to the election, signed by at least twenty-five (25) electors, who shall be residents of the Town.

(b) The nominating petition shall be on a form acceptable to the Cocke County Election Commission.

(c) Persons nominated may withdraw their nominations by written notice to the Cocke County Election Commission no later than twenty-five (25) days before the election. Names of candidates shall be listed alphabetically on the ballot. The residential addresses of candidates having the same or substantially similar surnames shall also be printed on the ballot.

(d) Each elector shall be entitled to vote for three (3) candidates for Commissioner in the election referred to in § 2.01(a), and in each succeeding election at four (4) year intervals on the first Tuesday in November. The term of the Mayor and Commissioners elected in November 1998 shall terminate November 30, 2002.

(e) The newly elected Board of Commissioners shall convene Monday, December 2, 2002, and select from among their number a person to serve as Mayor of the Town for a term of four (4) years, terminating December 1, 2006.

(f) Inauguration of the new Mayor and Commissioners shall occur December 2, 2002. Subsequent inaugurations shall occur on December 1, in subsequent four (4) year periods; provided that if the inauguration date falls on a Sunday, it shall occur on the following Monday.

Section 2.02. Board of Mayor and Commissioners.

(a) Composition of Board. The Mayor and the two (2) remaining Commissioners elected under this charter shall compose the Board of Mayor and Commissioners, in which is vested all corporate, legislative and other powers of the Town, except as otherwise provided in this charter.

(b) Compensation of Members. The salary of all elected and appointed officials and employees shall be set by ordinance. Officers and employees shall also be reimbursed for actual and necessary expenses incurred in the conduct of their official business, pursuant to state law. Each Commissioner may receive a stipend of fifty dollars (\$50.00) for each regularly-called meeting and specially-called meeting.

(c) Regular Meetings. The Board shall meet on the first (1st) Thursday of each quarter, at a minimum. The Town recognizes the following quarterly arrangement of months in the calendar year:

- (1) Winter (Third Fiscal) Quarter: January, February and March;
- (2) Spring (Fourth Fiscal) Quarter: April, May and June;
- (3) Summer (First Fiscal Quarter) July, August and September; and
- (4) Fall (Second Fiscal) Quarter: October, November and December.

(d) Special Meetings; Notice of Meetings; Open Meetings Procedure.

The Board, in addition to meeting quarterly at the times and places prescribed by ordinance, shall meet in special session on verbal notice of the Mayor or any one (1) Commissioner served on the other members of the Board personally at least twenty-four (24) hours in advance of the meeting. Adequate public notice shall be given for all regularly scheduled and special meetings of the Board. Only the business stated in the advertised call may be transacted at a special meeting. The Board shall exercise its powers only in public meetings, and minutes of all meetings of the Board shall be promptly and fully recorded by the Town Recorder, and shall be open to public inspection during regular business hours, which shall be set by ordinance.

(e) Quorum; Voting; Rules of Procedure; Powers Generally. The Mayor and one (1) Commissioner shall constitute a quorum for conducting Board business. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. The Board may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

Section 2.03. Mayor as Presiding Officer. The Mayor shall preside at all meetings of the Board and shall vote. The Mayor shall be recognized as the ceremonial head of the Town. The

Mayor shall be the officer to accept process against the Town, and shall perform other duties imposed by this charter and by ordinances not inconsistent with this charter.

Section 2.04. Vacancy in the Office of Mayor or Commissioner.

(a) A vacancy shall exist if the Mayor or a Commissioner:

(1) Resigns;

(2) Dies;

(3) Moves outside the corporate limits of the Town;

(4) Is convicted of misfeasance or malfeasance in office, a felony, willfully fails to perform the duties of their office, a violation of the election laws of this state, or a crime involving moral turpitude;

(5) Fails to attend one regularly scheduled quarterly meeting of the Board without supplying extenuating circumstances in writing, validated by the Board by resolution; or

(6) Has been continuously disabled for a period of one hundred eighty (180) days so as not to be able to discharge the duties of office.

(b) The Board shall by resolution declare a vacancy to exist for any reason listed in (a), and such finding shall be final. Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the Town for a period of ten (10) years thereafter. The remaining Board shall appoint a qualified person to fill a vacancy in the office of commissioner for the remainder of the unexpired term. If the vacancy is not filled within fifteen (15) days, the Mayor shall appoint a qualified person to fill the vacancy.

(c) Not more than one (1) member of the Board shall be an appointment to fill a vacancy. If a vacancy occurs more than six (6) months prior to a regular election and while one (1) appointed member is on the Board, a special election shall be held by the Cocke County Election Commission on the eighth (8th) Tuesday following occurrence of

the vacancy, at which election a person shall be elected to serve the unexpired term of the vacant office. The provisions of this article for regular elections shall govern special elections.

Section 2.05. Restrictions on Board Member. The Board shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the Town, or to direct or request the appointment of any person to, or the removal from, any office or position of employment, or to interfere in any way with the performance of duties by the Mayor or any other officer or employee. The Board shall deal with the various agencies, officers and employees of the Town, except boards and commissions authorized by this charter, solely through the Mayor, and shall not give orders to any subordinates of the Mayor, either publicly or privately. Nothing herein shall prevent the Board from conducting such inquiries into the operation of the Town and the conduct of the Town's affairs as it may deem necessary.

Section 2.06. Designation of Official Newspaper; Media Outlets. The Board may by resolution designate a newspaper or media outlet of general circulation in the Town as the official Town newspaper for publication of official notices of the Town through electronic, printed or audio means.

Section 2.07. Town Legislation.

(a) Procedures for Drafting, Considering, Adopting, Amending and Repealing Legislation. Any action of the Board having a regulatory effect, relating to revenue or appropriation of money, awarding franchises or contracts over five hundred dollars (\$500.00), authorizing conveyance or lease of any lands of the Town, or required to be done by ordinance under this charter or the general laws of the state of Tennessee, shall be in written form before being introduced, and a copy shall be furnished to each member of the Board in advance of the meeting at which introduced. The enacting clause of ordinances shall be: "Be it Enacted by the Board of Mayor and Commissioners

of the Town of Parrottsville:". No action of the Board shall be valid or binding unless approved by the affirmative vote of at least two (2) members of the Board. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or subsections repealed or as amended. Every ordinance must be approved on two (2) readings, and shall become effective twenty (20) days after approval on second reading unless its terms require a later effective date. Every ordinance, except codes adopted by reference as provided in (c), shall be read by caption only. Each resolution shall be read by caption only one (1) time and shall become effective upon passage on first reading. The Board may adopt emergency ordinances on first reading effective immediately on passage when circumstances affecting life, health or property occur, by the affirmative votes of two (2) members of the Board. Such emergency resolution shall contain a full statement of the facts creating the emergency in the prefatory/whereas clauses. All emergency ordinances shall be effective for only ninety (90) days. Appropriations, revenues, franchises, contracts, levy of taxes, borrowing money or special privileges shall not be passed as emergency ordinances.

(b) Establishment, Maintenance and Distribution of the Parrottsville Town Code.

The Board shall have the general and continuing ordinances of the Town assembled into an official code of the Town, which shall be known and may be styled, as the "Parrottsville Town Code". A copy of the code shall be updated by the Town Recorder, in concert with the Town Attorney. Copies of the Parrottsville Town Code shall be made available to the public, and a reasonable duplication fee may be charged to cover the costs of publication. Such duplication fee may be set by ordinance. Following adoption of the Parrottsville Town Code, all ordinances shall be adopted as additions to, deletions from, or amendments to the code.

(c) Enacting Standard Codes. Standard codes, as defined in §1.02(6), may be adopted by ordinances which contain only references to titles, dates, issuing

organizations and such changes to the standard codes as the Board may deem advisable, based on local conditions. Procedures prescribed by state law shall be followed when adopting such standard codes. Copies of the official code and any standard codes so adopted by references shall be made available to the public at duplication prices set by the Board.

(d) Archival Copies of Town Documents. The original copies of ordinances, resolutions, contracts and other documents pertaining to the organization, operation, maintenance and governance of the Town shall be filed and collected by the Town Recorder. The title and a brief summary of each ordinance and resolution shall be published by the official Town newspaper or media outlet within ten (10) days after its final approval by the Board.

Section 2.08 Donations to Private Organizations. Taxes and other Town revenues are levied and collected for public purposes, and the use of such funds as donations or contributions to nongovernmental agencies or for private purposes is prohibited, but the Board may contract with nongovernmental agencies for materials and services necessary to effectuate public purposes consistent with the needs of the inhabitants of the Town and other public purposes consistent with the state law.

Section 2.09 Abatement of nuisances. If it is determined by the Board of Mayor and Commissioners that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, or a vacant dilapidated building or structure, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals, the Mayor shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The

notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

(1) A brief statement of this section which shall contain the consequences of failing to remedy the noted condition;

(2) The Mayor's office address and telephone number;

(3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community; and

(4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(b) (1) If the owner of record fails or refuses to remedy the condition within ten (10) days, or additional time as determined by the Board of Mayor and Commissioners, after receiving the notice, the Board shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The Town may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The Town may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds of Cocke County, the costs shall be a lien on the property in favor of the Town of Parrottsville, second only to liens of the state, Cocke County and the Town of Parrottsville for taxes, any lien of the Town for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the Town tax collector or the Cocke County trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as

delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(2) If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the ten-day period of the first sentence of this subsection shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

(c) (1) The Board of Mayor and Commissioners may make any rules and regulations necessary for the administration and enforcement of this section. The Town shall provide for a hearing upon request of the person aggrieved by the determination made pursuant to subsection (a). A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to subsection (a) or within such additional time as determined by the Board. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

(2) Any person aggrieved by an order or act of the Board of Mayor and Commissioners may seek judicial review of the order or act. The time period established in subsection (b) shall be stayed during the pendency of a hearing.

ARTICLE III.

ORGANIZATION AND PERSONNEL.

Section 3.01. Organization of Town Government. The Town shall be organized into a Department of Law, Planning and Administration (DLPA); Department of Public Safety (DPS); Department of Parks and Recreation (DPR); and Department of Public Works (DPW), unless otherwise provided by ordinance. The Town may implement ordinances creating and implementing the structure for these departments as the needs of the Town warrant. The Board may, by ordinance, establish, merge or consolidate offices, positions of employment, departments and agencies of the Town. The Board may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the functions

and duties of officers, positions of employment, departments and agencies of the Town subject to the following limitations:

(1) The number of members of the Board of Mayor and Commissioners, as provided in this charter, shall not be changed by the Board;

(2) All officers and employees of the Town, except as otherwise specifically provided in this charter, shall be appointed, removed and serve under the direction and control of the Mayor; and

(3) The office of the Mayor shall not be abolished, nor shall the Mayor's powers as provided in this charter be reduced.

Section 3.02. Administrative Duties of the Mayor. The Mayor shall be the executive head of the Town. The Mayor shall be responsible for the administration of the Town's affairs. The Mayor shall be responsible for enforcing the laws, rules and regulations promulgated by the Board, and may delegate these duties to a designated agent. The Mayor shall be responsible for enforcement and oversight of laws, ordinances, rules, regulations, franchises and contracts involving the Town. The Mayor may direct the Town Attorney to act in the Mayor's stead with respect to these matters, and to take such legal actions as may be warranted to protect the Town's best interests. The Mayor may conduct inquiries and investigations into the affairs of the Town and shall have such other powers and duties as may be provided by ordinance not inconsistent with this charter.

Section 3.03. Administrative Duties of the Town Recorder. The Board shall appoint a Town Recorder, who shall have the following powers and duties:

(1) Keep and preserve the official seal of the Town, as well as all official records of the Town not required by state law to be filed elsewhere.

(2) Attend all meetings of the Board of and maintain a journal showing the proceedings of the Board, including those present and absent, each motion considered, the title of each resolution and ordinance considered, and the vote of each board

member on each question. This journal shall be open to the public during regular office hours, as set forth by ordinance. The Town reserves the right to impose reasonable duplication charges and limit the access to sensitive and confidential matters involving rate deliberations, trade secrets and proprietary information by imposing reasonable restrictions through ordinance, in accordance with state law.

(3) Prepare and certify copies of official Town records maintained in the Recorder's office. The Recorder may assess fees for such services, as approved by the Board by ordinance. The revenues from such release of documents shall be deposited in the Town's operating fund.

(4) Absent sufficient revenues to justify a separate position, serve as Director of the Department of Law, Planning and Administration if so nominated and approved by the Board.

(5) Perform such other duties as the Board may prescribe.

Section 3.04. Administrative Duties of the Town Attorney. The Board shall appoint a Town Attorney, and such assistant Town attorneys as may be authorized by ordinance. The Town Attorney, or Assistant Town Attorney designated by the Town Attorney, shall be responsible for representing and defending the Town in all litigation in which the Town is a party; prosecuting cases in the Parrottsville Town Court; advising the Board, other officers and Town employees concerning the legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions and other official documents; and performing such other duties as the Board may prescribe.

Section 3.05. Parrottsville Town Court.

(a) Parrottsville Town Court Judge. The Parrottsville Town Court Judge, who shall constitute the Parrottsville Town Court, shall be a disinterested, neutral person possessing a Tennessee law license. Should the Parrottsville Town Court Judge position be vacant or the judge be absent, operating under disability or incapacity to

perform the duties of office, the Board may appoint such a disinterested, neutral person to serve as Town Court Judge *pro tempore*.

(b) Jurisdiction, Powers and Compensation. The jurisdiction of the Town shall extend to trial of all offenses against the ordinances of the Town, and the costs in such trials shall be fixed by ordinance. The Town Court Judge shall not exercise jurisdiction over civil matters. The Judge shall have the power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths and to maintain order and decorum in the Court.

(c) Fines. Fines may be paid by installments to be fixed and security determined by the Town Court Judge's discretion. Receipts of the Town Court shall be deposited weekly and the Town Court Judge shall make monthly reports to the Board.

(d) Docket. The Town Court Judge shall keep or cause to be kept a docket of all cases, and shall be the designated clerk of the Parrottsville Town Court unless some other person shall be appointed to said position by the Board.

(e) Separation of Powers. The Town Court Judge shall be the exclusive judge of the law and the facts in every case before such Judge, and no officer or employee of the Town shall attempt to influence the Judge's decision except through pertinent facts presented in open court.

Section 3.06. Parrottsville Officers and Employees. Only the officer and positions of employment provided for in the annual budget, as provided by the Board, shall be filled. Salaries for all positions shall be in accordance with a pay plan adopted by ordinance. The Board shall determine salaries giving due consideration to the employee's duties, responsibilities, and technical knowledge, the skill required to satisfactorily perform the work, and the availability of persons having the qualifications desired.

Section 3.07. Personnel Actions.

(a) The appointment and promotion of employees of the Town shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work and administrative or supervisory qualifications.

(b) Unless otherwise provided by this charter, the Mayor shall have authority to make appointments, promotions and transfers. The Mayor may demote, suspend and remove employees for reasonable cause. The Mayor may delegate such authority to department heads. Before removal, or suspension for more than fifteen (15) working days, an employee shall be given a written notice of intention to suspend or remove such employee, containing a clear statement of the grounds for the proposed action and notice that the employee may appeal to the Board by filing, within ten (10) working days, with the Town Recorder, written notice of the intention to do so. Once the Board receives written notice of an employee's intention to appeal, the Board shall set a time and place for a public hearing on the matter, to be held within twenty (20) working days thereafter. The votes of two (2) Board members shall be required to override the suspension or removal, and the Board's action shall be a final determination of the matter. If the Board overrides a suspension or reinstates an employee, any loss of salary shall be paid to the employee, subject to review of the employee's actions to mitigate damages, including obtaining alternate employment in the interim period. The interim employment shall be used to mitigate the amount of money the Town would be required to pay such suspended or reinstated employees.

Section 3.08. Personnel Management Rules. The Board may by resolution adopt supplementary rules governing employment by the Town, not inconsistent with this charter.

Section 3.09. Oath of Office. All Parrottsville officeholders shall subscribe to the following oath or affirmation, prior to assuming employment:

I solemnly swear (or affirm) that I will support the Constitution of the State of Tennessee, and will obey the laws of the United States of America and the State of Tennessee. I will, in all respects, observe the provisions of the Parrottsville Charter and the Parrottsville Town Code, and bear true faith and allegiance to the same. I will faithfully discharge the duties of _____, doing so without fear or favor, without reservation or for purpose of evasion. So help me God.

Section 3.10. Official Bonds. The Mayor and every officer, agent and employee of the Town having duties embracing the receipt, disbursement, custody or handling of money, and other officers and employees designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board, with a surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board. The cost of such bonds shall be paid by the Town. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

Section 3.11. Personal Financial Interest Disclosure; Conflict of Interest Prevention Policy. Any officer or employee of the Town shall not profit personally, directly or indirectly, from any business transacted with the Town government, nor shall any officer or employee accept any free or preferred service benefits or concessions from any person, company or firm regulated by or doing business with the Town.

ARTICLE IV.

FISCAL ADMINISTRATION

Section 4.01. Fiscal Year. The fiscal year of the Town shall begin on the first (1st) day of July, and shall end on the thirtieth (30th) day of June of the succeeding year, unless otherwise provided by ordinance.

Section 4.02. Mayor to Submit Annual Budget.

(a) Not later than forty-five (45) days prior to the beginning of each fiscal year, the Mayor shall submit to the Board a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following data:

- (1) Revenues and expenditures during the preceding fiscal year;
- (2) Estimated revenues and expenses for the current fiscal year;
- (3) Revenues and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue;
- (4) A comparative statement of the cash surplus (or deficit) at the end of the preceding year and the estimated surplus (or deficit) at the end of the current fiscal year; and
- (5) Any other information and data such as work programs and unit costs, justifying recommended expenditures that may be considered necessary by the Mayor or requested by the Board.

(b) Additional Revenue Measures; Estimates. The Mayor may recommend and estimate receipts from additional revenue measures, providing such estimates are separated clearly from normal revenue estimates.

(c) Mayor's Fiscal Policy Statement Required. The budget shall be accompanied by a message from the Mayor containing a statement of the general fiscal policies of the Town, the important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget and such other comments and information as the Mayor may deem pertinent.

(d) Copies to be Provided to All Commissioners; Public Inspection Requirements. A sufficient number of copies of the Mayor's message shall be reproduced so as to furnish a copy for each member of the Board, and to any person desiring one. A copy of the Mayor's budget in full shall be provided to each member of

the Board and the Town Recorder for public inspection. Members of the public may, upon paying the requisite fee, receive the Mayor's message and the full budget, such rates per page and document to be set by ordinance.

Section 4.03. Capital Improvement Budget. A capital improvement budget may also be prepared to include a description of projects recommended for the ensuing fiscal year and up to five (5) succeeding fiscal years, the estimated cost of each project, and the Mayor's recommendation for financing the projects proposed for the ensuing year. The capital improvement budget shall be prepared or reviewed by the Parrottsville Municipal Planning Commission. The Planning Commission's recommendations shall be submitted by the Mayor to the Board concurrently with the annual budget. The Board may accept, reject or revise the capital improvement budget as it deems desirable.

Section 4.04. Public Hearing. After receiving the Mayor's proposed budget, the Board may fix a time and place for a public hearing thereon, and shall cause a public notice thereof and announcement of where and when the full budget may be examined to be published two (2) times in the official Town newspaper, the last such publication to be at least ten (10) days in advance of the date of the hearing. The public hearing shall be held before the Board at the stated time and place, and all persons present shall be given a reasonable opportunity to be heard. Rules governing procedure in public hearings may be set by ordinance.

Section 4.05. Action by Board on Budget; Emergency Budgetary Provisions. After the public hearing and before the beginning of the ensuing fiscal year, the Board shall adopt an appropriation ordinance, based on the Mayor's proposed budget with such modifications as the Board considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department or agency. The Board shall not appropriate in excess of estimated revenue, except to provide for an actual emergency threatening the health, safety or lives of the inhabitants of the Town, declared by a vote of all members of the Board. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new

fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year subject to amendment as provided in this section. Amendments may be made to the original appropriations ordinance at any time during a current fiscal year after giving ten (10) days' notice published in local media outlets and a public hearing before the Board.

Appropriations, except emergency appropriations as provided above, may be increased during the year only after the Mayor certifies in writing that sufficient amounts of unappropriated revenue will be available to cover the proposed amendments to the appropriations ordinance. Any portion of an annual budget remaining unappropriated at the close of a fiscal year shall lapse and be subject to appropriation for the following year.

Section 4.06. Control of Expenditures. The Mayor shall be responsible for controlling expenditures of the various agencies of the Town to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

Section 4.07. Centralized Purchasing.

(a) Designated Purchasing Agent's Scope of Authority. All contracts and purchases, except those reserved to the Board, shall be made by the Town Purchasing Agent appointed by the Mayor, or by the Mayor acting as the purchasing agent. The purchasing agent may prescribe rules for emergency purchases to be made by department heads. Departments shall estimate their future needs and requisition items so that purchases in efficient quantities of scale may be made. The purchasing agent shall prepare standard specifications, dispose of surplus or worn out supplies and equipment and enforce such specifications, store and maintain records of materials and supplies and maintain records of Town property.

(b) Purchases or Contracts Exceeding One Hundred Dollars (\$100.00). Purchases or contracts of more than one hundred dollars (\$100.00) shall require approval of the Board. All purchases and contracts, except for minor items used infrequently or items which must be obtained immediately to avoid disruption of services,

shall be by competitive bidding, subject to such regulations as may be specified by Board resolution. Any expenditure or contract for more than three thousand dollars (\$3,000.00) shall be made immediately after sealed bids have been invited by notices published one (1) time in the official Town newspaper and at the Parrottsville Town Hall, to be published not less than fifteen (15) days in advance of the date set for receiving bids. Purchases and contracts shall be awarded to the lowest responsible bidder, but all published notices shall state that the Town reserves the right to reject any and all bids. The Town may waive the requirement to obtain bids when there is only one (1) source of supply or when such action is in the Town's best interest, providing that the reasons for such sole source justification are made a matter of public record. Bid records shall be preserved by the Town Recorder for a period of not less than two (2) years. Bids need not be taken for professional services and services for which the rates or prices are regulated by public authority, nor shall competitive bidding be required for purchases from other governmental agencies.

Section 4.08. Unauthorized Contract or Expenditure. Any contract or agreement made in violation of the provisions of this charter or ordinances of the Town shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure thereunder, and their sureties of their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the Town for the full amount so paid or received. A violation of this section by any officer or any employee shall be cause for such employee's removal.

Section 4.09. Sale of Town Property. The Mayor may sell Town property which is obsolete, surplus or unusable, after advertisement as provided in §4.07(b), by sealed bids or at public auction; provided, however, that any sale for more than five hundred dollars (\$500.00), or any sale of real estate, shall be subject to approval by the full membership of the Board. The

Mayor may sell any item valued at less than five hundred dollars (\$500.00) without taking bids, but such sale shall be reported to the Board at its next meeting.

Section 4.10. Annual Audit. Within thirty (30) days after the beginning of each fiscal year, the Board shall employ an independent, certified public accountant to make an audit of all financial records of the Town for that fiscal year. The auditor shall perform adequate sampling to determine validity of the records. Each such audit shall include determination of legality of transactions, mathematical accuracy of records, complete accountability and application of accepted municipal accounting principles. The audit shall be completed and a report, including a summary for publication, shall be submitted to the Board within ninety (90) days after the end of the fiscal year.

Section 4.11. Bonds for Public Works Contracts. Each bid on a contract for any public works or improvement shall be accompanied by a cash or surety bond in the amount of five percent (5%) of the amount of the bid. Before any contract is awarded, the contractor shall give the Town Recorder a bond for the faithful performance of the contract, in an amount equal to one hundred percent (100%) of the contract price. The Board may waive these requirements for contracts under five thousand dollars (\$5,000.00).

Section 4.12. Property Taxes. In the event present revenue sources as of December 31, 2000, fail to maintain the essential services necessary to maintain the operations of the Town, the Town reserves the right to assess a property tax levy on all property situated in the Town. The Board shall use Cocke County assessments for all property subject to taxation except property assessed by the Tennessee Regulatory Authority, or its successor agency.

Section 4.13. Omitted Property. If Cocke County assessments are used and the Town Recorder adds to the assessments any taxable property that may have been omitted by the Cocke County Property Assessor, such property shall be appraised and assessed at the same ratio as other property of the same class located in the Town.

Section 4.14. Tax Levies. The Board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100.00) of assessed valuation, not later than ninety (90) days prior to the tax due date. Should the Board fail to make a tax levy, the prior year's tax rate shall remain in effect.

Section 4.15. Tax Due Dates and Tax Bills. The due dates of property taxes shall be fixed by ordinance and provision may be made for equal semiannual installments. The Town shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send tax bills shall not, however, invalidate any tax, penalty or interest thereon. Property taxed may become delinquent thirty (30) days after a due date, at which time a penalty of five percent (5%) may be added and thereafter such taxes shall be subject to interest at the rate of one-half of one percent (0.5%) for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the Town shall have the force and effect of a judgment of a court of record.

Section 4.16. Delinquent Taxes. The Board may provide by ordinance for the collection of delinquent taxes by issuing distress warrants from the Mayor's office for the sale of goods and chattels to be executed by: any police officer of the Town under the laws governing execution of such process by the Cocke County Trustee as provided in the general law; or by the Town Attorney acting in accordance with general laws regarding the collection of delinquent Town or county property taxes; by garnishment; by suits in the Cocke County Chancery Court; or by any two (2) or more of the foregoing methods, or by the use of any other available legal processes and remedies. If not otherwise collected, the Town Attorney, or other persons or entities designated by the Board, shall file suit for the collection of all delinquent taxes within eighteen (18) months following the date of the delinquency.

Section 4.17. Taxes Not to be Excused. No officer or employee of the Town shall have the authority to excuse taxes, penalties, interest, special assessments or other charges due the Town, but errors may be corrected when authorized by majority vote of the Board.

Section 4.18. Disbursement by Checks. All disbursements of the Town shall be made by checks signed by the Town Recorder and countersigned by the Mayor, or in the Mayor's absence, another member of the Board. The Board may by resolution designate other officers to sign such checks in the absence or disability of the Mayor or Town Recorder.

Section 4.19. Official Depository. The Board shall designate an official depository or depositories for deposit and safekeeping of funds of the Town, with such collateral security as may be deemed necessary by the Board. Such depository shall be federally insured so as to keep the Town's fiscal exposure minimized.

Section 4.20. Accounting. The financial records of the Town shall be established and maintained in general conformity with the accounts and procedures recommended by the Government Finance Officers Association (GFOA) or other nationally recognized authority on municipal accounting.

Section 4.21. Tax Anticipation Borrowing. The Board may borrow money in anticipation of revenues, for payment of current and necessary expenses, which shall be repaid in the same or following fiscal year.

ARTICLE V.

INTERGOVERNMENTAL COOPERATION AND CONTRACTING.

Section 5.01. Intergovernmental Cooperation and Contracts. In addition to other powers granted in this charter, the Board shall have the power to contract and cooperate with any other municipalities or other political subdivisions of the state of Tennessee, or with an elective or appointive official thereof, or with any duly authorized agency of the state or the United States, for the exercise of any power or function which the Town is authorized to undertake by this charter.

Section 5.02. Execution of Such Powers.

(a) The Board may exercise the powers conferred in this article by ordinance or resolution setting out the terms to be included in any such contract or cooperative action. The parties to such a contract or cooperative action may acquire, by gift or purchase, or by the power of eminent domain exercised by one (1) or more of the parties, the lands, buildings and other property necessary or useful for carrying out the intentions of the contracts or cooperative action, either within or without the corporate limits of more than one (1) of the contracting parties, and shall have the power to hold or acquire such property jointly. The Town may provide for the financing of such a contract or cooperative action in the same manner as if it were acting alone and on its own behalf. The general rule governing the Town's participation in such endeavors shall be cost avoidance, and proportionality of contribution to services received.

(b) Such a contract may also provide for the establishment and selection of a joint commission, officer or officers to supervise, manage and have charge of a joint service or project, and may provide for the powers and duties, term of office, compensation, if any, and other provisions relating to the members of such joint commission, officer or officers. Such contract may include and specify terms and provisions relative to the termination or cancellation of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. Such cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share in the cost or expense incurred prior to the effective date of any such cancellation or termination.

Section 5.03. Immunities and Liabilities of Officers. All public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this article shall enjoy the same immunities and be subject to the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

Section 5.04. Handling of Funds. All money received pursuant to any such contract or cooperative action, under the provisions of this article, unless otherwise provided by law, shall be deposited and disbursed in accordance with the provisions of such contract or cooperative action.

ARTICLE VI.

MISCELLANEOUS PROVISIONS.

Section 6.01. Other General Law May be Used by the Town. Notwithstanding any provision of this charter, the Board may elect to operate under or adopt any general law or public act available to municipalities of the State of Tennessee, in lieu of or in addition to the provisions of this charter.

Section 6.02. Penalties. A violation of any provision of this charter, for which a civil penalty is not specifically provided herein, shall result in a civil penalty of not more than fifty dollars (\$50.00).

SECTION 2. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Parrottsville. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

